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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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DARREL RAY LYNCH,

§

Petitioner,

§

*versus*

§ CIVIL ACTION NO. 1:21-CV-270

UNITED STATES OF AMERICA,

§

Respondent.

§

**MEMORANDUM ORDER ADOPTING THE  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Movant, Darrel Ray Lynch, a federal prisoner currently confined at FCI Seagoville, proceeding *pro se*, filed this motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting Movant's Motion for Reconsideration filed pursuant to Federal Rule of Civil Procedure 60(b) (#7). No objections to the Report and Recommendation have been filed to date.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. After careful review, the court finds that the findings of fact and conclusions of law of the magistrate judge are correct.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge (#7) is **ADOPTED**. It is, further,

**ORDERED** that this court **GRANTS** a **NEW TRIAL** pursuant to Federal Rule of Civil Procedure 60(b). The **CLERK OF COURT** is hereby **ORDERED** to **VACATE** the **MEMORANDUM ORDER** and **FINAL JUDGMENT** entered on August 16, 2021, and restore this case to the active docket. It is, further,

**ORDERED** that the **CLERK OF COURT** shall mail Movant a copy of this order and the Report and Recommendation entered June 15, 2021 (#2) by certified mail return receipt. Upon receipt of this order, Movant has thirty (30) days to file his objections to the Report and Recommendation.

**Signed this date**

Sep 14, 2023

*Marcia A. Crone*

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE